

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 766

AN ACT

To amend chapter 168, RSMo, by adding thereto one new section relating to allegations of sexual misconduct against private school employees.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 168, RSMo, is amended by adding thereto one new section, to be known as section 168.134, to read as follows:

168.134. 1. As used in this section, the term "private school" means a school that is not a part of the public school system of the state of Missouri and that charges tuition for the rendering of elementary or secondary educational services.

2. If a private school that has employed any employee whose job involves contact with children receives allegations of sexual misconduct involving a child, as provided in section 566.083, concerning the employee and, as a result of such allegations or as a result of such allegations being substantiated by the child abuse and neglect review board, dismisses the employee or allows the employee to resign in lieu of being terminated and fails to disclose the allegations of sexual misconduct when furnishing a reference for the former employee or responding to a potential employer's request for information regarding such employee, the private school shall be liable for damages to any student of a subsequent employing private school, school district, or charter school who is found by a court of competent jurisdiction to be a victim of the former employee's sexual misconduct, and the private school shall

be liable to the employing private school, school district, or charter school for any legal liability, legal fees, costs, and expenses incurred by the employing private school, school district, or charter school caused by the failure to disclose such information to the employing private school, school district, or charter school.

3. A private school shall not be liable for damages incurred by a former employee as a result of such private school's disclosure of any information that is required to be disclosed in accordance with the provisions of this section.